

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements.”

M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. § 2143.01(III) (emphasis in original). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I) (emphases in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Claim 1 recites, in part, “a plurality of *converters for converting input grayscale data into corrected grayscale data so as to correct for nonlinearity of exposure density*; a selecting member for *selecting an appropriate one of said converter* in accordance with said ambient temperature detected by said temperature detector, wherein said

plurality of *converters are set up so that each range of amount of exposure light is divided into substantially equal regions corresponding to a temperature region to be covered by each of said plurality of converter*" (emphases added). The Office Action alleges that the look-up-tables (LUTs) shown in Figs. 3A and 3B of *Watanabe* constitute the claimed "plurality of converters." See Office Action, pg. 2. However, this allegation is incorrect.

First, the LUTs shown in Fig. 3A and 3B cannot constitute the claimed "plurality of converters" because the LUTs do not "convert[] input grayscale data into corrected grayscale data so as to correct for nonlinearity of exposure density." Indeed, as noted above, *Watanabe's* LUTs fail to perform any type of conversion. Specifically, *Watanabe's* thermistors 152 and 352 detect the temperatures of the fixing rollers of the printer units 12 and 32. Based on the environmental temperature and temperature of the fixing rollers, *Watanabe's* system use the LUTs in Figs. 3A and 3B to estimate the recovery time required for recovery from the low-power mode to the waiting mode. See paragraph [0044]. Based on the results of a comparison of the estimated recovery time between the printer unit 12 of copying machine 10 and the printer unit 32 of printer 30, system simply determines whether the printing job should be performed by the copying machine 10 or by the printer 30. See paragraph [0046]. Thus, at best, *Watanabe's* LUTs can be used passively to estimate recovery time, and do not "convert[] input grayscale data into corrected grayscale data so as to correct for nonlinearity of exposure density," as recited in claim 1.

Second, *Watanabe's* LUTs are not "set up so that each range of amount of exposure light is divided into substantially equal regions corresponding to a temperature

region to be covered by each of said plurality of converter.” Instead, *Watanabe*’s LUTs are unrelated to a “range of amount of exposure light.” See, e.g., Figs. 3A and 3B.

*Shiota* fails to remedy the deficiencies of *Watanabe* at least because *Shiota* does not teach or suggest the claimed “temperature detector” and thus also cannot teach or suggest a plurality of converters “set up so that each range of amount of exposure light is divided into substantially equal regions *corresponding to a temperature region* to be covered by each of said plurality of converter” (emphasis added) as recited in claim 1.

In view of the mischaracterization of *Watanabe*, above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Thus, the Examiner has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1 and the rejection under 35 U.S.C. § 103(a) must be withdrawn. Furthermore, claims 2-21 variously depend from allowable claim 1. Accordingly, claims 2-21 are allowable at least based on their dependence on claim 1, as well as for the additional elements they recite.

In view of the foregoing, Applicant therefore requests the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims.

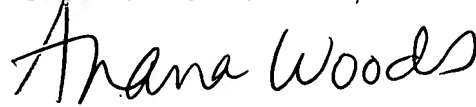
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 11, 2008

By: \_\_\_\_\_

A handwritten signature in cursive script that reads "Ariana Woods". The signature is written in black ink and is positioned above a horizontal line.

Ariana G. Woods  
Reg. No. 58,997  
(202) 408-4000